

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

07/11/2014

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenoever
Deputy

AMY OVERMAN

JACK LEVINE

v.

KATHRYN RYAN

MICHAEL S FERRARO

JURY TRIAL RESET

Courtroom 102 - NE

9:19 a.m. This is the time set for Final Pretrial Conference/Oral Argument on Motions in Limine. Plaintiff Amy Overman is represented by counsel, Jack Levine. Defendant Kathryn Ryan is represented by counsel, Michael S. Ferraro.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Arguments are heard on Plaintiff's Motion to Continue Trial

IT IS ORDERED granting Plaintiff's Motion to Continue Trial and vacating the 4-day Jury Trial set for July 21, 2014 and resetting the same to **December 8, 2014 at 9:00 a.m.** in this division. All other trial days will commence at 9:30 a.m.

IT IS FURTHER ORDERED setting a Final Pretrial Conference/Oral Argument on Motions in Limine for **November 6, 2014 at 9:00 a.m.** in this division (time allotted: 1 hour).

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IT IS FURTHER ORDERED that within a reasonable time from today, if defense counsel learns that his expert witness is unavailable on that date, counsel may jointly call the Court and arrange for a different trial date within the same approximate time frame.

Motions in limine are argued.

IT IS ORDERED that Defendant's Motion in Limine Re: Plaintiff Arguing Collusion between Counsel for State Farm and Defendant is granted. The Court's ruling extends to examination of the witness's alleged motives for his actions to the extent that the Plaintiff would imply that those motives are related to the doctor's relationship with a particular law firm or a particular insurance company or a particular law firm that represents a particular insurance company.

IT IS FURTHER ORDERED taking Defendant's Motion in Limine Re: Introduction of the Police Report under advisement.

IT IS FURTHER ORDERED that Defendant's Motion in Limine Re: Plaintiff Calling Multiple "Expert Witnesses" is granted as unopposed. The other physicians who are treating physicians are still expected to testify and may testify concerning their treatment of the decedent. However, the Plaintiff does not anticipate asking for an opinion from those witnesses regarding causation between the injuries from the accident and the Plaintiff's death. Plaintiff's counsel indicates that there may be what he refers to as "intermediate opinions." The Court will address any such issues as they arise at trial.

IT IS FURTHER ORDERED that Plaintiff's counsel will provide Defendant's counsel with copies of all trial exhibits.

IT IS FURTHER ORDERED that the defense may file a motion in limine directed to the allegedly previously undisclosed police officer witness.

Let the record reflect that the parties filed a Joint Pretrial Statement on July 7, 2014.

IT IS FURTHER ORDERED that no later than **December 1, 2014**, counsel or their designated representative shall deliver all trial exhibits along with a list of exhibit descriptions to the clerk of this division. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. The exhibits will be marked numerically and consecutively. Plaintiff(s) exhibits will be marked first followed by Defendant(s). Exhibits will be marked as they are received. The clerk cannot reserve numbers for exhibits that will be provided at a later date. Subsections of exhibits will be marked as the next available number.

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Do NOT use subsections of exhibits (ex. 4a or 4.1). Please use the next consecutive number. Please DO NOT place exhibits in 3-ring binders when submitting them to the court.

Counsel shall advise the clerk, by signed stipulation or on the record, which exhibits may be marked directly into evidence.

Original depositions are provided to the clerk for filing and are not marked as exhibits. Counsel shall present original depositions at the same time the exhibits are presented.

Charts, blow-ups and oversize items may be used for demonstrative purposes; however, if they are to be marked as an exhibit, an 8 ½ x 11 photocopy or photograph of the oversized item must be provided and will be substituted for the oversize item at the end of trial.

If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.

For additional assistance in preparation of exhibits contact the courtroom clerk at (602) 372-7726.

10:04 a.m. Hearing concludes.

LATER:

IT IS ORDERED Defendant's Motion in Limine re: Introduction of the Police Report is denied. State ex rel. Miller v. Tucson Assoc. Ltd. Partnership, 165 Ariz. 519, 799 P.2d 860 (App. 1990). Hearsay witness statements to the reporting officer contained in the report are not admissible, however, unless some other hearsay exception applies.